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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/691,462

10/21/2003

Orest W. Blaschuk

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07/21/2005

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EXAMINER

MITRA, RITA

ART UNIT

PAPER NUMBER

1653

DATE MAILED: 07/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/691,462

Applicant(s)

BLASCHUK ET AL.

Examiner

Rita Mitra

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-47 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restriction

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-11 drawn to a method for stimulating activation of gene transcription in a cell, comprising contacting a cell with a modulating agent capable of inhibiting degradation of cytoplasmic β -catenin, wherein the agent comprises an internalization moiety and amino acid sequence of SEQ ID NO: 1, 9, 10, 12, 14, 15 and analog or peptidomimetic thereof; a pharmaceutical composition; classified in class 530, subclass 326, 327, 328; class 514, subclass 2, 7, 13, 14, 15; class 435, subclass, 375.
- II. Claims 12-23, drawn to a method for stimulating cell differentiation comprising contacting a cell with a modulating agent capable of inhibiting degradation of cytoplasmic β -catenin, wherein the agent comprises an internalization moiety and amino acid sequence of SEQ ID NOs: 1, 9, 10, 12, 14, 15 and analog or peptidomimetic thereof; pharmaceutical composition; classified in class 530, subclass 326, 327, 328; class 514, subclass 2, 7, 13, 14, 15; class 435, subclass, 375; class 424, subclass 184.1
- III. Claims 24-36, drawn to a method for stimulating hair growth on a mammal comprising administering to a mammal a modulating agent capable of inhibiting degradation of cytoplasmic β -catenin, wherein the agent comprises an internalization moiety and amino acid sequence of SEQ ID NO: 19, 10, 12, 14, 15 and analog or peptidomimetic thereof; pharmaceutical composition; classified in class 530, subclass 326, 327, 328; class 514, subclass 2, 7, 13, 14, 15; class 435, subclass, 7.1, class 424, subclass 184.1.

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- IV. Claims 37-47, drawn to a method for stimulating exfoliation of skin on a mammal comprising administering to a mammal a modulating agent capable of inhibiting degradation of cytoplasmic β -catenin, wherein the agent comprises an internalization moiety and amino acid sequence of SEQ ID NO: 1, 9, 10, 12, 14, 15 and analog or peptidomimetic thereof; pharmaceutical composition; classified in class 530, subclass 326, 327, 328; class 514, subclass 2, 7, 13, 14, 15; class 435, subclass, 7.1, class 424, subclass 184.1.

The inventions are distinct, each from the other because of the following reasons:

Inventions I, II, III and IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the methods are directed to various unrelated conditions or diseases. Thus, the inventions have different functions, as treatment of any one of the conditions would have no effect on any of the others. For example, stimulating gene transcription by itself would have no apparent effect on cell differentiation, hair growth or skin exfoliation.

Furthermore, the methods of the above inventions are directed to different cells and varying conditions. For instance, Invention IV would be directed to cutaneous cells, whereas Invention III would be directed to follicular cells. The methods of Inventions I and II would be used with a cell culture, rather than *in vivo*. Thus, each of these inventions appears to involve significant considerations that are unique to each invention and which would address divergent subject matter in the art.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the

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inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently filed petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(h).

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

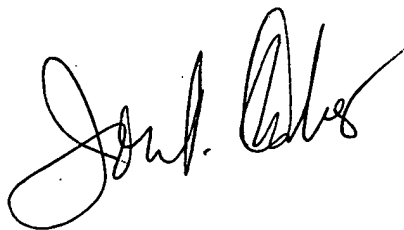
Inquiries

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rita Mitra whose telephone number is (571) 272-0954. The Examiner can normally be reached from 9:30 a.m. to 6:30 p.m. on weekdays. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Dr. Jon Weber, can be reached at (571) 272-0925. Papers related to this application may be submitted to Technology Center 1600 by facsimile transmission. Papers should be faxed to Technology Center 1600 via the PTO Fax Center. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Fax Center number is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-0547.



Rita Mitra, Ph.D.

July 11, 2005



JON WEBER
SUPERVISORY PATENT EXAMINER